

13. STATUTORY DETERMINATION

The selected remedy for each of the sites requiring remedial action has been determined to be protective of human health and the environment, to comply with federal and state requirements that are legally applicable or relevant and appropriate (ARAR to the remedial actions), and to be cost effective.

Exposure levels will be reduced to risks less than or equal to 1E-04 for carcinogens and hazard indices less than one or noncarcinogens by the selected remedies. Implementation of the selected remedies will not pose unacceptable short-term risks or cross-media impacts.

These remedies use permanent solutions and alternative treatment technologies to the maximum extent practicable. However, because treatment of radionuclide-contaminated soil is not found to be practical for the radionuclide-contaminated soil sites, these remedies do not satisfy the statutory preference for treatment as a principal element of the remedy. The EPA's preference for sites that pose relatively low level threats or where treatment is impractical is engineering controls, such as containment. State and community acceptance were factored into the decision making.

For those sites where contaminants are to be left in place (e.g., Containment and Limited Action) in excess of health-based levels, a review will be conducted no less than every 5 years after the first remedial action is initiated (statutory 5-year review) to ensure that the remedy is still effective in protecting human health and the environment and to assess the need for future long-term environmental monitoring and institutional controls. These comprehensive statutory 5-year reviews will be conducted to evaluate factors such as contaminant migration from sites where contamination has been left in place, effectiveness of institutional controls, and overall effectiveness of the remedial actions. For the Limited Action remedy, it is assumed that the institutional controls will remain in place for at least 100 years.

The Agencies concur that "No Action" be taken at 76 sites. Institutional controls may be required at the remaining 18 sites. Those sites for which "No Further Action" is taken, based on the residential land-use assumptions, will be reviewed as part of the 5-year review, in addition to the remedial action sites.

14. REFERENCES

- DOE, 1998, *Agreement-in-Principle between the Shoshone-Bannock Tribes and the U.S. Department of Energy*, U.S. Department of Energy, August.
- DOE-ID, 1991, *Federal Facility Agreement and Consent Order for the Idaho National Engineering Laboratory*, U.S. Department of Energy Idaho Operations Office, DOE/ID-1088-06-29-120, December.
- DOE-ID, 1995a, *Long-Term Land Use Future Scenarios for the Idaho National Engineering Laboratory*, 1995, U.S. Department of Energy Idaho Operations Office, DOE/ID-10440, August.
- DOE-ID, 1995b, *Record of Decision, Declaration for the Technical Support Facility Injection Well (TSF-05) and Surrounding Groundwater Contamination (TSF-23) and Miscellaneous No Action Sites Final Remedial Action*, U.S. Department of Energy Idaho Operations Office, DOE/ID-10139, August.
- DOE-ID, 1997a, *Idaho National Engineering and Environmental Laboratory Comprehensive Facility and Land Use Plan*, U.S. Department of Energy, DOE/ID-10154, December.
- DOE-ID, 1997b, *Comprehensive Remedial Investigation/Feasibility Study (RI/FS) for Test Area North OU 1-10 at INEEL*, U.S. Department of Energy Idaho Operations Office, DOE/ID-10557, November.
- DOE-ID, 1998a, *Proposed Plan for Waste Area Group 1 Test Area North at the Idaho National Engineering and Environmental Laboratory, an OU 1-10 RI/FS Supplement*, U.S. Department of Energy, U.S. Environmental Protection Agency, and Idaho Department of Health and Welfare Division of Environmental Quality, DOE-10443, February.
- DOE-ID, 1998b, *Proposed Plan for Waste Area Group 1 Test Area North at the Idaho National Engineering and Environmental Laboratory, an OU 1-10 RI/FS Supplement*, U.S. Department of Energy, U.S. Environmental Protection Agency, and Idaho Department of Health and Welfare Division of Environmental Quality, DOE-10553, November.
- DOE-ID, 1998c, *Comprehensive Remedial Investigation/Feasibility Study (RI/FS) Supplement for Test Area North Operable Unit 1-10 at INEEL*, U.S. Department of Energy Idaho Operations Office, DOE/ID-10557, November.
- EPA, 1994, "Health Effects Assessment Summary Tables: Annual FY-1994," U.S. Environmental Protection Agency, EPA-540-R-94-020.
- EPA, 1999, Memorandum, "Region 10 Final Policy on the Use of Institutional Controls at Federal Facilities," U.S. Environmental Protection Agency, Region 10, Office of Environmental Cleanup, May.
- INEEL, 1998a, *Idaho National Engineering and Environmental Laboratory Environmental Management End State Planning Document*, Idaho National Engineering and Environmental Laboratory, INEEL/EXT-98-00862, September.

INEEL, 1998b, *Treatability Study for Planar In Situ Vitrification of INEEL Test Area North V-Tanks*, Idaho National Engineering and Environmental Laboratory, INEEL/EXT-98-00854, October.

INEL, 1992, *Record of Decision (ROD) for Technical Support Facility (TSF) Injection Well and Surrounding Groundwater Contamination, INEL Community Relations*, Idaho National Engineering Laboratory, INEL-5202, September.

INEL, 1994, *Preliminary Scoping Track 2 Summary Report for TAN OU 1-05 Radioactive Contamination Sites*, Idaho National Engineering Laboratory, INEL-94/0135, October.